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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/615,191 | 07/09/2003 | Moriyasu Shirayanagi | P23555 | 9085 |

7055 7590 04/15/2005

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| EXAMINER |
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THOMAS, BRANDI N

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| ART UNIT | PAPER NUMBER |
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2873

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

10/615,191

Applicant(s)

SHIRAYANAGI, MORIYASU

Examiner

Brandi N. Thomas

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 1/28/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-15 is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Blum (5219497).

Regarding claim 1, Blum discloses, in figures 6 and 7, a multifocal spectacle lens having a front surface and a back surface, each of said front surface and said back surface being formed as one of a multifocal surface and a progressive-power surface, distributions of surface power of said front surface and said back surface being different from each other (col. 5, lines 59-61).

Regarding claim 2, Blum discloses, in figures 6 and 7, a multifocal spectacle lens wherein said front surface is formed to be the multifocal surface, and said back surface is formed to be the progressive-power surface (col. 5, lines 59-61).

Regarding claim 3, Blum discloses, in figures 6 and 7, a multifocal spectacle lens wherein both of said front surface and back surface are formed to be the progressive-power surfaces (col. 5, lines 59-61).

Regarding claim 9, Blum discloses, in figure 1, a multifocal spectacle lens wherein a segment (12) is provided on said front surface to form said front surface as a bifocal lens (col. 5, lines 59-61 and 64-67).

Regarding claim 10, Blum discloses, in figure 23, a multifocal spectacle lens wherein said segment (12) is located on a nose side of an upper area of said front surface.

Regarding claim 11, Blum discloses, in figures 6 and 7, a multifocal spectacle lens wherein said back surface has oestigmatic power to correct astigmatism (col. 7, lines 59-63).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blum (5219497) as applied to claim 1 above, and further in view of Umeda (5864380).

Regarding claim 4, Blum discloses a multifocal spectacle lens except that it does not show wherein average surface power of an upper area of said front surface is greater than average surface power of a power area of said front surface, and wherein average surface power of a lower area of said back surface is greater than average surface power of an upper area of said back surface. Umeda shows that it is known to provide average surface power of an upper area of said front surface is greater than average surface power of a power area of said front surface, and wherein average surface power of a lower area of said back surface is greater than average surface power of an upper area of said back surface for minimizing rotational fatigue while providing enhanced wearer comfort when the lens is worn for close-range work (col. 6, lines 60-67). Therefore it would have been obvious to someone of ordinary skill in the art at the

Art Unit: 2873

time the invention was made to combine the device of Blum with the surface power of Umeda for the purpose of minimizing rotational fatigue while providing enhanced wearer comfort when the lens is worn for close-range work (col. 6, lines 60-67).

Regarding claim 5, Umeda discloses, in figures 1 and 2, a multifocal spectacle lens wherein average surface power of a lower area of said front surface as greater than average surface power of an upper area of said front surface, and wherein average surface power of an upper area of said back surface as greater than average surface power of a power area of said back surface (col. 6, lines 60-67).

Regarding claim 6, Umeda discloses, in figures 1 and 2, a multifocal spectacle lens wherein said lens has a distance portion (top of lens, figure 1) for distance vision formed at a middle area of said lens, wherein each of an upper side of the middle area and a lower side of the middle area is formed as an intermediate portion (middle of lens, figure 1) for intermediate vision or a near portion (bottom of lens, figure 1) for near vision.

Regarding claim 7, Umeda discloses, in figure 1, a multifocal spectacle lens, wherein refractive power within the middle area of said lens is substantially zero (figure 1, where the curved lines meet close to the principle meridian line (M-M')).

Regarding claim 8, Umeda discloses, in figures 1 and 2, a multifocal spectacle lens wherein length of the distance portion is approximately 10 mm (col. 8, lines 55-56).

Allowable Subject Matter

5. Claims 12-15 are allowed.

Art Unit: 2873

6. The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claim(s), in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in claim(s) 12-15, wherein the claimed invention comprises a method for producing a multifocal spectacle lens comprising: producing semifinished lens blanks whose front surface is formed so as to be classified by at least one of spherical power, cylindrical power and addition power into a plurality of groups; selecting one of the semifinished lens blanks according to a customer's specification, the front surface of said one of the semifinished lens blanks corresponding to one of the groups to which said customer's specification belongs; and processing the back surface of said selected one of the semifinished lens blanks according to said customer's specification, as claimed.

Response to Arguments

1. Applicant's arguments filed 1/28/05 have been fully considered but they are not persuasive. Blum specifically discloses that a multifocal or progressive region can be added to the front lens surface, the back lens surface or both.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2873


MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandi N. Thomas whose telephone number is 571-272-2341. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BNT


RICKY L. MACK
PRIMARY EXAMINER